

ZONING REVIEW SHEET**CASE:** C14-2007-0107**P. C. DATE:** August 14, 2007**ADDRESS:** 6404 North IH-35 Suite 1100**OWNER:** Lincoln Dunhill Holdings, Ltd. (Tim Denker)**AGENT:** Armbrust and Brown
(Amanda Morrow)**REZONING FROM:** CS (General Commercial services)**TO:** CS-1 (Commercial – liquor sales)**AREA:** 0.1747 Acres (7609.93 square feet)**SUMMARY PLANNING COMMISSION RECOMMENDATION:***August 14, 2007:***APPROVED STAFF'S RECOMMENDATION FOR CS-1-CO ZONING; BY CONSENT.****[J.REDDY, S.KIRK 2ND] (7-0) C.GALINDO – ABSENT****SUMMARY STAFF RECOMMENDATION:**

Staff offers an alternate recommendation CS-1-CO (Commercial – liquor sales– conditional overlay) combining district zoning. The recommended conditional overlay shall limit the daily vehicle trips to less than 2,000 per day. The Staff recommendation is based on the following considerations:

- 1.) The base land use shall remain a commercial use;
- 2.) The proposed intensity of land uses associated with CS-1 zoning will be compatible with existing surrounding commercial uses within an established commercial retail center;
- 3.) Similarly zoned properties are located along this portion of Interstate 35; and
- 4.) Vehicle trips are limited through the recommended conditional overlay.

DEPARTMENT COMMENTS:

The subject rezoning consists of a building footprint for a 0.1747 Acres (7609.93 square feet) site zoned CS located within the an existing shopping center next to Highland Mall with access to the IH-35 frontage road and Middle Fiskville Road. The site is an existing restaurant and the applicant seeks to rezone to CS-1 to allow for potential liquor sales on the site exceeding 51%. Furthermore, this site lies within the proposed St. John's Neighborhood Plan Area and a plan amendment is not required at this time as the process has recently commenced.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Retail shopping center / Restaurant
<i>North</i>	CS	Retail shopping center
<i>South</i>	CS	Retail shopping center
<i>East</i>	N/A	Interstate 35
<i>West</i>	CS-MU-NP	Clothing Store

NEIGHBORHOOD PLAN AREA:

St. John's Planning Area

TIA: N/A (See Transportation comments)

WATERSHED: Tannehill**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

283--North Austin Neighborhood Alliance
 511--Austin Neighborhoods Council
 740--Brentwood/Highland Combined Neighborhood Planning Team - COA Liaison
 964--St. Johns Neighborhood Assn.
 742--Austin Independent School District
 786--Home Builders Association of Greater Austin
 937--Taking Action Inc.
 938--St. Johns Advisory Board

SCHOOLS:

Austin Independent School District

- Reilly Elementary School
- Webb Middle School
- McCallum High School

RELATED CASES: N/A**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-00012.002	Highland Neighborhood Plan	02/24/04: APVD STAFF REC W/EXCEPTIONS (6-0)	03/25/04: APVD 1ST RDG (7-0); SEE SCANNED DOC FOR SPECIFIC CC ACTIONS 04/15/04: APVD 2ND RDG W/AMENDMENTS (7-0) 05/13/04: APVD W/AMDMTS (7- 0); 3RD RDG
C14-99-2111	Cs to CS-1	01/18/00: APVD CS-1 (9-0); INDOOR ENTERTAINMENT/COCKTAIL LOUNGE AS ONLY ALLOWED CS-1 USE, IF USE CEASES, ZONING IS TO ROLLBACK TO CS, BY CONSENT (9-0)	02/17/00: APVD PC REC OF CS-1- CO ON ALL 3 RDGS (7-0)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
IH-35	Varies	Varies	Freeway	169,000 (2005)
Middle Fiskville Rd.	80'	50'-55'	Collector	2,076 (8/13/02)

CITY COUNCIL DATE:
September 27, 2007

ACTION:

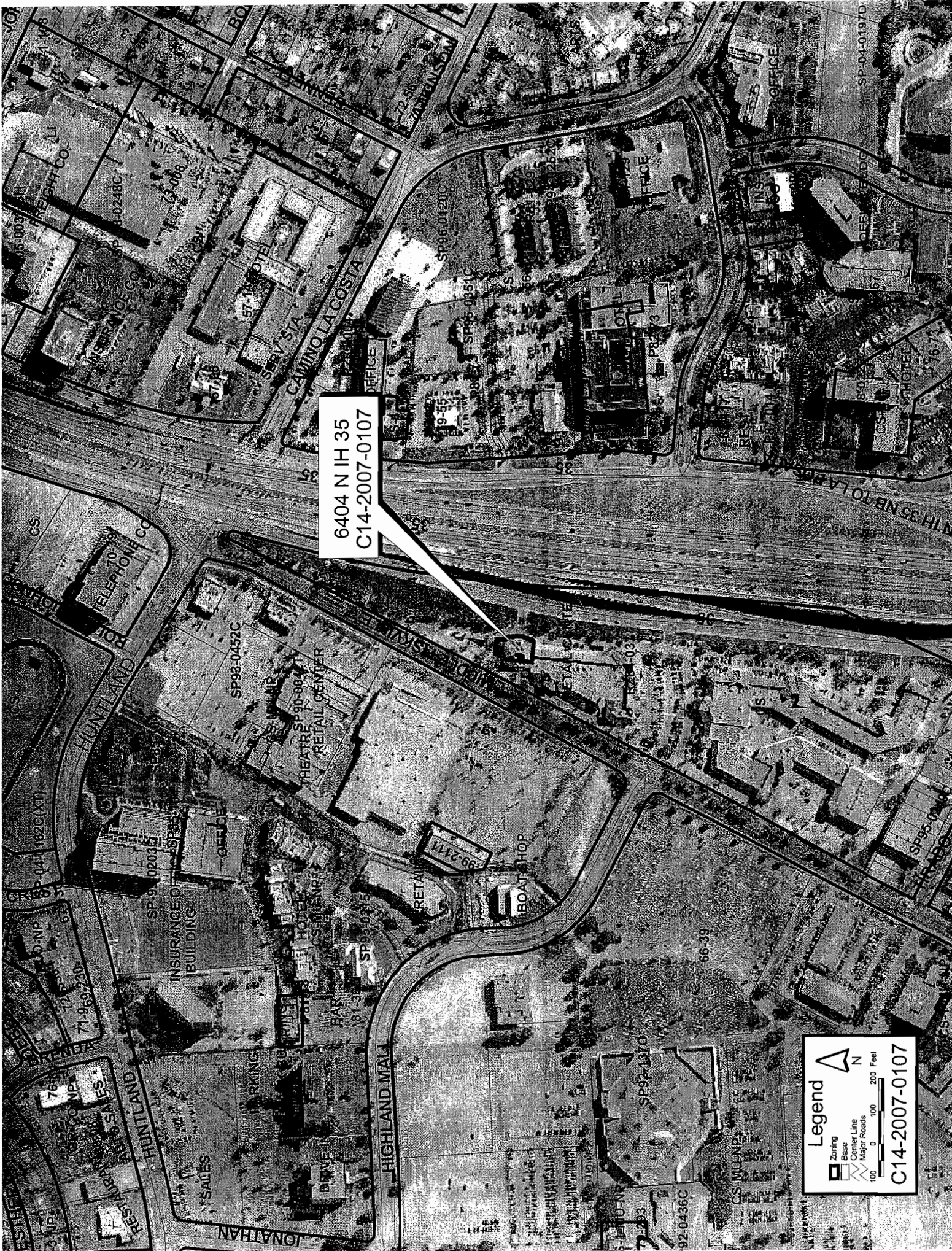
ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us



6404 N IH 35
C14-2007-0107

Legend

- Zoning
- Base
- Center Line
- Major Roads

100 0 100 200 Feet

C14-2007-0107

STAFF RECOMMENDATION

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BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

§ 25-2-104 COMMERCIAL-LIQUOR SALES (CS-1) DISTRICT DESIGNATION.

Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

The requested rezoning is in conformance with the purpose statement of the district sought. It is surrounded by commercial uses and located in a commercial center. Furthermore, there are like zoning classifications surrounding the site.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The proposed rezoning will integrate itself to existing surrounding commercial uses of like zoning classifications and intensities by maintaining more intensive commercial uses along major arterials. The site is located along the Interstate 35 frontage road.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning consists of a building footprint for a 0.1747 Acres (7609.93 square feet) site zoned CS located within the an existing shopping center next to Highland Mall with access to the IH-35 frontage road and Middle Fiskville Road. Furthermore, this site lies within the proposed St. John's Neighborhood Plan Area and a plan amendment is not required at this time as the process has recently commenced.

Transportation

1. No additional right-of-way is needed at this time.
2. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

3. There are existing sidewalks along IH-35 Southbound Frontage Road and Middle Fiskville Rd. (west side).
4. IH-35 is classified in the Bicycle Plan as a Priority 2 bike route.
5. Capital Metro bus service is available along Middle Fiskville Rd. with the Duval No. 7 and Red River No. 15, and along IH-35 with the Dell Ltd. No. 135, Metric Flyer No. 142, and North Burnet Rd. Ltd. No. 174.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. The landowner intends to serve the site with City of Austin water and wastewater utilities.
2. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment.
3. The water and wastewater plan must be in accordance with the City of Austin utility design criteria.
4. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.
5. All water and wastewater construction must be inspected by the City of Austin.
6. The landowner must pay the City inspection fee with the utility construction.

7. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan

1. No comments.